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6 || Attorneys for Plaintiff
DAVID JORDT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID JORDT.

Case No. 05-1409-SBA

Plaintiff,

**STIPULATION TO ALLOW PLAINTIFF TO
FILE THIRD AMENDED COMPLAINT
NAMING NEW PARTY DEFENDANT**

CLERKS AND LUMBER HANDLERS PENSION FUND.

Defendant.

Pursuant to Federal Rule of Civil Procedure (“Rule”) 15(a) and Local Rule 7-12 Plaintiff DAVID JORDT (hereinafter “Plaintiff”) and Defendant CLERKS AND LUMBER HANDLERS PENSION FUND (hereinafter “the Fund”), through the signature of their counsel, hereby give written consent and stipulate to allow Plaintiff to file a Third Amended Complaint naming the BOARD OF TRUSTEES OF THE CLERKS AND LUMBER HANDLERS PENSION FUND (hereinafter “the Board”) as an additional defendant to Plaintiff’s second and third causes of action only. That Third Amended Complaint is attached hereto as Exhibit 1. This Stipulation serves as an amendment to the Summons pursuant to Rule 4(a) so as to include the Board. Counsel for the Fund also agrees to accept service of the Complaint on behalf of the Board, and waives service of the summons pursuant to Rule 4(d)(2).

27 Plaintiff and the Fund agree that the Fund will only be required to answer the Third
28 Amended Complaint, and is relinquished from having to answer the Second Amended Complaint.

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3 Dated: _____

By: _____ /s/

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8 MATTHEW S. YERGOVICH
9 Attorney for Plaintiff

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By: _____ /s/

ROBERT F. SCHWARTZ
Attorney for Defendants

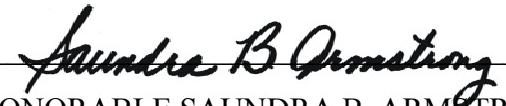
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2 **[PROPOSED] ORDER**

3 The Court has reviewed the Stipulation set forth above. Good cause appearing, the Court has
4 decided:

5 PURSUANT TO STIPULATION, IT IS SO ORDERED that:

- 6 1. Plaintiff is granted leave to file a Third Amended Complaint naming the BOARD OF
7 TRUSTEES OF THE CLERKS AND LUMBER HANDLERS PENSION FUND as
8 an additional Defendant to Plaintiff's second and third causes of action only.
9 2. The Fund is required only to answer the Third Amended Complaint, and is
10 relinquished from having to answer the Second Amended Complaint.

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12 Dated:10/24/05


13 HONORABLE SAUNDRA B. ARMSTRONG

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